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Dated: November 18, 2003

Signature: 

(Richard Zimmermann)

Docket No.: 28297/32248C
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Application of:

ELSBACH et al.

Application No.: Not Yet Assigned
(Continuation of 09/866,514)

Group Art Unit: Not Yet Assigned

Filed: **November 18, 2003**

Examiner: Not Yet Assigned

For: **BIOLOGICALLY ACTIVE
BACTERICIDAL/PERMEABILITY-
INCREASING PROTEIN FRAGMENTS**

INFORMATION DISCLOSURE STATEMENT (IDS)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Pursuant to 37 CFR 1.56, the attention of the Patent and Trademark Office is hereby directed to the references listed on the attached PTO/SB/08. It is respectfully requested that the information be expressly considered during the prosecution of this application, and that the references be made of record therein and appear among the "References Cited" on any patent to issue therefrom.

Those patents or publications which are identified in the attached form PTO/SB/08 are not supplied because they were previously cited by or submitted to the Office in a prior Application No. 09/866,514 and relied upon in this application for an earlier filing date under 35 U.S.C. 120.

A concise explanation of relevance of the items listed on form PTO/SB/08 is:

☒ not given

☐ given for each listed item

☐ given for only non-English language listed items

☐ in the form of an English language copy of a Search Report from a foreign patent office, issued in a counterpart application, which refers to the relevant portions of the references

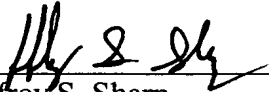
While the information and references disclosed in this Information Disclosure Statement may be "material" pursuant to 37 CFR 1.56, it is not intended to constitute an admission that any patent, publication or other information referred to therein is "prior art" for this invention unless specifically designated as such.

In accordance with 37 CFR 1.97(g), the filing of this Information Disclosure Statement shall not be construed to mean that a search has been made or that no other material information as defined in 37 CFR 1.56(a) exists. It is submitted that the Information Disclosure Statement is in compliance with 37 CFR 1.98 and the Examiner is respectfully requested to consider the listed references.

Respectfully submitted,

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November 18, 2003

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Substitute for form 1449A/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(use as many sheets as necessary)</i>				Complete if Known	
				Application Number	Not Yet Assigned
				Filing Date	November 18, 2003
				First Named Inventor	Peter ELSBACH et al.
				Art Unit	Not Yet Assigned
				Examiner Name	Not Yet Assigned
Sheet	1	of	3	Attorney Docket Number	28297/32248C

U.S. PATENT DOCUMENTS					
Examiner Initials*	Cite No. ¹	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code ² (if known)			
	A01	5,087,569	02/11/1992	Gabay et al.	
	A02	5,089,274	02/18/1992	Marra et al.	
	A03	5,126,257	06/30/1992	Gabay et al.	
	A04	5,171,739	12/15/1992	Scott et al.	
	A05	5,308,834	05/03/1994	Scott et al.	
	A06	5,334,584	05/03/1994	Scott et al.	

FOREIGN PATENT DOCUMENTS						
Examiner Initials*	Cite No. ¹	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ⁶
		Country Code ³ -Number ⁴ -Kind Code ⁵ (if known)				
	B01	EP 0272489	06/24/1988			
	B02	WO 89/01486	02/1989			

See Next Page

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*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

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Substitute for form 1449B/PTO				Complete if Known	
INFORMATION DISCLOSURE STATEMENT BY APPLICANT (use as many sheets as necessary)				Application Number	Not Yet Assigned
				Filing Date	November 18, 2003
				First Named Inventor	Peter ELSBACH et al.
				Group Art Unit	Not Yet Assigned
				Examiner Name	Not Yet Assigned
Sheet	2	of	3	Attorney Docket Number	28297/32248C

OTHER PRIOR ART – NON PATENT LITERATURE DOCUMENTS			
Examiner Initials	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²
	C01	Elsbach et al., "Separation and Purification of a Potent Bactericidal/Permeability-Increasing Protein and a Closely Associated Phospholipase A2 from Rabbit Polymorphonuclear Leukocytes," <i>J. Biol. Chem.</i> , 254(21):11000-11009 (1979)	
	C02	Elsbach et al., "Bactericidal/Permeability Increasing Protein (BPI) of Granulocytes: Structure And Function," <i>Bacteria-Host Cell Interaction</i> , M.A. Horwitz, (ed.), UCLA Symp. Mol. Biol., New Ser., Vol. 64, Park City, VT (Feb. 13-19, 1987), Alan R. Liss, N.Y., pp. 47-60 (1988)	
	C03	Elsbach et al., "Phagocytic Cells: Oxygen-Independent Antimicrobial Systems," Chapter 24, in <i>Inflammation: Basic Principles and Clinical Correlates</i> , Gallin et al., (Eds.), Raven Press, Ltd., New York, pp. 445-470 (1988).	
	C04	Gabay et al., "Antimicrobial Proteins From The Membrane Of The Azurophil Granule Of Human Neutrophils," 22nd Meet. Eur. Soc. Clin. Inves., Graz, Austria (Apr. 20-23, 1988), <i>European Journal of Clinical Investigation</i> , 18(2):A38 (1988) (ABSTRACT 187).	
	C05	Gray et al., "Cloning Of The Gene Of The Human Bactericidal/Permeability Increasing Protein And Identification Of Structure-Function Relationships," 101st Ann. Natl. Meet. Assoc. Am. Physicians (Apr. 29-May 2, 1988) <i>Clinical Research</i> , 36(3):620A (April, 1988) (ABSTRACT).	
	C06	Ooi et al., "A 25-kDa NH ₂ -terminal Fragment Carries All the Antibacterial Activities of the Human Neutrophil 60-kDa Bactericidal/Permeability-Increasing Protein," <i>J. Biol. Chem.</i> , 262(31):14891-14894 (1987).	
	C07	Shafer et al., "Lipid A and Resistance of <i>Salmonella typhimurium</i> to Antimicrobial Granule Proteins of Human Neutrophil Granulocytes," <i>Infection and Immunity</i> , 43:834-838 (March, 1984).	
	C08	Spitznagel et al., "A Monoclonal Antibody That Inhibits The Antimicrobial Action Of A 57 KD Cationic Protein Of Human Polymorphonuclear Leukocytes," <i>Journal of Immunology</i> , 139(4):1291-1296 (August 15, 1987).	
	C09	Suggs et al., "Use of synthetic oligonucleotides as hybridization probes: Isolation of cloned cDNA sequences for human β_2 -microglobulin," <i>Proc. Nat'l Acad. Sci., USA</i> , 78:6613-6617 (November, 1981).	
	C10	Tobias et al., "Isolation Of A Lipopolysaccharide-Binding Acute Phase Reactant From Rabbit Serum," <i>Journal of Experimental Medicine</i> , 164:777-793 (September, 1986).	
	C11	Tobias et al., "A Family of Lipopolysaccharide Binding Proteins Involved in Responses to Gram-negative Sepsis," <i>Journal of Biological Chemistry</i> , 263(27):13479-13481 (1988).	

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OTHER PRIOR ART – NON PATENT LITERATURE DOCUMENTS		
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	C13	Ulevitch <i>et al.</i> , "A Family Of LPS Binding Proteins Involved In Responses To Gram Negative Sepsis And Endotoxemia," <i>FASEB Journal</i> , 2:A991 (1988), 72nd Ann. Meet. Fed. Am. Soc. Exp. Bio., Las Vegas, NV (May 1-5, 1988) (ABSTRACT 4039).
	C14	Veld <i>et al.</i> , "Effects Of The Bactericidal/Permeability-Increasing Protein Of Polymorphonuclear Leukocytes On Isolated Bacterial Cytoplasmic Membrane Vesicles" <i>Infection and Immunity</i> , 56(5) :1203-1208 (1988)
	C15	Weiss <i>et al.</i> , "Partial Characterization and Purification of a Rabbit Granulocyte Factor that Increases Permeability of <i>Escherichia coli</i> ," <i>Journal of Clinical Investigation</i> , 55:33-42 (January, 1975).
	C16	Weiss <i>et al.</i> , "Purification and Characterization of a Potent Bactericidal and Membrane Active Protein from the Granules of Human Polymorphonuclear Leukocytes," <i>Journal of Biological Chemistry</i> , 253(8):2664-2672 (April 25, 1978).
	C17	Weiss <i>et al.</i> , "Resistance Of Gram-Negative Bacteria To Purified Bactericidal Leukocyte Proteins," <i>J. Clin. Invest.</i> , 65:pp. 619-628 (1980).
	C18	Weiss <i>et al.</i> , "Sensitivity Of K1-Encapsulated <i>Escherichia coli</i> To Killing By The Bactericidal/Permeability-Increasing Protein Of Rabbit And Human Neutrophils", <i>Infection and Immunity</i> , 38(3) pp.1149-1153 (1982)
	C19	Weiss <i>et al.</i> , "Role Of Charge And Hydrophobic Interactions In The Action Of The Bactericidal/Permeability-Increasing Protein Of Neutrophils On Gram-Negative Bacteria," <i>J. Clin. Invest.</i> 71:pp. 540-549 (1983)
	C20	Weiss <i>et al.</i> , "The Role Of Lipopolysaccharides In The Action Of The Bactericidal/Permeability-Increasing Neutrophil Protein On The Bacterial Envelope" <i>The Journal of Immunology</i> 132(6) pp. 3109-3115 (1984)
	C21	Weiss <i>et al.</i> , "Structural & Immunological Dissection of Highly Conserved Bactericidal/Permeability-Increasing Proteins," Clin. Research, 34:537A (1986), 43 rd Ann. Natl. Meet. Am. Fed. Clin. Res. (May 2-5, 1986)
	C22	Weiss <i>et al.</i> , "Cellular & Subcellular Localization of the Neutrophil Bacterial/Permeability-Increasing Protein," Clin. Research. 34-537A (1986), 43 rd Ann. Natl. Meet. Am. Fed. Clin. Res., (May 2-5, 1986)
	C23	Weiss <i>et al.</i> , "Environmental Modulation Of Lipopolysaccharide Chain Length Alters The Sensitivity Of <i>Escherichia coli</i> to the Neutrophil Bactericidal/Permeability-Increasing Protein," <i>Infection and Immunity</i> , 51(2) pp. 594-599 (1986).
	C24	Leong <i>et al.</i> , "Nucleotide Sequence Of The Bovine Bactericidal Permeability Increasing Protein (BPI)," <i>Nucleic Acids Research</i> , Vol. 18, No. 10.
	C25	Mannion <i>et al.</i> , "Separation Of Sublethal And Lethal Effects Of The Bactericidal/Permeability Increasing Protein On <i>Escherichia coli</i> ," <i>J. Clin. Invest</i> Vol. 85, March 1990, 853-860.

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